

INTRADEPARTMENTAL CORRESPONDENCE

January 15, 2021
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: HEAD STRIKE, FID NO. 009-20

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Honorable Members:

The following is my review, analysis, and findings for Head Strike, Force Investigation Division (FID) No. 009-20. A Use of Force Review Board (UOFRB) was convened on this matter on December 14, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On March 20, 2020, Officers G. Cabral, Serial No. 41795, D. Silva, Serial No. 41593, and A. Cepeida, Serial No. 38386 were assigned Unit 4G16W7, Gang Enforcement Detail (GED), Hollenbeck Area.² Officers Cabral, Silva, and Cepeida were in full uniform, equipped with Body-Worn Video (BWV), and driving a marked black and white hybrid police vehicle equipped with ballistic door panels and a Digital In-Car Video System (DICVS). Officer Cabral was the driver, Officer Silva was the right front passenger, and Officer Cepeida was the left rear passenger inside of the police vehicle. The officers were tasked with documenting and monitoring the daily activities of the Krazy Ass Mexicans (KAM) criminal street gang.

According to the FID investigation, Officers Cabral and Silva had been assigned as partners for approximately five months and routinely discussed tactics. This was Officer Cepeida's fourth or fifth time working with Officers Cabral and Silva.³ Prior to going out, the officers discussed contact and cover responsibilities in the three-person configuration, specifically on pedestrian stops. Officer Cabral believed that as he was assigned as the driver, he was the contact officer and Officer Silva was the cover and communications officer with Officer Cepeida supplementing; however, Officer Silva believed she was the contact officer for pedestrian stops

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² The officers were equipped with ballistic vests, Department-approved service pistols, handcuffs, TASERS, DICVS microphones, Hobble Restraint Devices (HRD), and Oleoresin Capsicum (OC) spray. Officer Cepeida had his side handle baton with him. Officers Cabral and Silva had their collapsible batons on their person.

³ Officer Cepeida's regularly assigned partner was injured during an Officer-Involved Shooting (OIS) incident that occurred in November of 2019.

initiated on the right side of the police vehicle and Officers Cabral and Cepeida would be the cover officers. Officer Cepeida believed he was responsible for communications and they had to be flexible in their contact/cover responsibilities since the officers' roles could fluctuate based on the incident **(Debriefing Point No. 1 - Tactical Communication/Tactical Planning)**.⁴

According to the FID investigation, at approximately 1849 hours, Officers Cabral, Silva, and Cepeida were driving east on Cesar Chavez Avenue approaching North Fickett Street when they observed three males standing on the northwest corner. The officers observed two of the males, one of them later identified as J. Corona, engaged in a hand-to-hand narcotics transaction.⁵ Officer Cepeida believed they were approximately 10 feet away from the three males when they observed the narcotics transaction.

According to the FID investigation, Officer Cabral observed Corona look in the officers' direction and Corona appeared surprised. Corona separated himself from the two other unidentified male pedestrians and began to walk west on the north sidewalk of Cesar Chavez Avenue, while the other two males walked east on Cesar Chavez Avenue. Believing that a drug transaction had just occurred, Officer Cabral negotiated a U-turn at the intersection and began to follow Corona west on Cesar Chavez Avenue from Fickett Street. Officers Cabral, Silva, and Cepeida discussed their observations and decided to conduct a pedestrian stop of Corona to investigate the possible sales of narcotics. The area was congested with pedestrians and parked vehicles. The officers discussed detaining Corona before Corona reached a barber shop at 2409 Cesar Chavez Avenue, which was known to be frequented by gang members. Officer Cabral negotiated a northbound turn into the driveway of 2433 Cesar Chavez Avenue, as he activated the interior forward-facing emergency red light and stopped at the apron of the driveway. Corona turned and began to run east on the north sidewalk of Cesar Chavez Avenue **(Debriefing Point No. 2 - Code Six/Foot Pursuit Broadcast, Debriefing Point No. 3 - Tactical Vehicle Deployment, and Additional/Equipment – Body Worn Video)**.

Note: According to the FID investigation, Corona stated that he was in possession of a handgun and believed that the officers were going to initiate a stop on him which prompted Corona to flee on foot.

According to the FID investigation, Officer Cepeida exited the left rear passenger door of the police vehicle and pursued Corona on foot while Officer Cepeida carried his baton in his right hand. Officer Silva initially opened the front passenger door of the police vehicle to assist Officer Cepeida; however, Officer Cabral advised Officer Silva to stay in the police vehicle. Officer Cabral believed that he and Officer Silva could not keep up with Officer Cepeida because Officer Cepeida was a fast runner. Officer Cabral instead believed it more prudent to follow in the police vehicle as the best way to keep up with Officer Cepeida. Officer Silva closed the front passenger door and monitored Officer Cepeida as Officer Cepeida chased Corona on foot. Officer Cabral negotiated a U-turn with his forward-facing

⁴ Los Angeles Police Department Training Bulletin, dated May 2017, "Three-Officer Unit Tactics."

⁵ The "hand-to-hand" term is used to describe a narcotic transaction where a quantity of narcotics and currency are exchanged between the hands of two people.

emergency red light still activated and began to follow Officer Cepeida as Officer Cepeida pursued Corona on foot, running east on Cesar Chavez Avenue towards Fickett Street. Officer Cepeida believed he was pursuing Corona in containment mode (**Debriefing Point No. 4 - Foot Pursuit Concepts**).

According to the FID investigation, Officer Cepeida observed Corona holding his front waistband with his right hand. Officer Cepeida believed Corona was arming himself and commanded Corona to stop. Officer Cepeida did not look behind him during the foot pursuit to see if Officers Silva or Cabral were with him because Officer Cepeida was concerned Corona was arming himself. Corona turned the corner on Fickett Street, running in a northerly direction and was momentarily out of Officer Cepeida's view. Officer Cepeida approached Fickett Street, "pied" the corner, and observed Corona running northeast across Fickett Street. Officer Cepeida could hear the police vehicle's engine and siren chirp behind him as he pursued Corona on foot while Officers Cabral and Silva followed in the police vehicle (**Additional/Equipment – Profanity**).⁶

Note: According to the FID investigation, Officer Cepeida's BWV captured the sound of a revving engine and siren chirping.

According to the FID investigation, once Corona crossed Fickett Street, Officer Cepeida observed Corona reach into his front waistband area with his right hand, which furthered Officer Cepeida's belief that Corona was armed. Officer Cepeida's BWV captured Corona running with his right hand near the front of his waistband as Officer Cepeida directed Corona to show his hands. Corona ran in a northeasterly direction into an enclosed parking lot, to the rear of a laundromat located at 2501 Cesar Chavez Avenue.⁷ Believing Corona was armed and that the situation could escalate to the use of deadly force, Officer Cepeida transitioned his baton from his right hand to his left hand and simultaneously unholstered his service pistol with his right hand, placing his right finger along the frame. Corona removed a handgun from his front waistband area with his right hand as Corona approached the northeast corner of the laundromat parking lot. Officer Cabral simultaneously negotiated an eastbound turn into the laundromat parking lot. Corona then utilized an underhand throwing motion to throw the handgun in a northerly direction over a fence.

According to Officer Cepeida, as he ran after Corona, who he believed had just completed a *narcotics* transaction, Officer Cepeida observed Corona put his *hands* into his *waistband*. Officer Cepeida *transitioned* his baton from his *left hand* and *drew* his service *pistol* because Officer Cepeida *believed* Corona may be armed and possibly "pull out a firearm" which could lead to Officer Cepeida having to use *deadly force* (**Drawing/Exhibiting**).

⁶ "Slicing the Pie" or "Pieing" a corner is a term used for a tactical technique utilized to traverse a corner while clearing a structure or while maneuvering around structures/objects out of doors.

⁷ According to FID investigators, the commercial buildings located at 2501 Cesar Chavez Avenue also have an address of 358 North Fickett Street.

According to the FID investigation, Officer Cabral observed Corona throw an object into the air and recognized it as a handgun.⁸ Officer Silva stated he also observed Corona throw the handgun. An analysis by FID investigators of Officer Cepeida's BWV and the security cameras at the laundromat revealed Officer Cepeida was approximately three to five feet behind Corona when Corona threw the handgun. Officer Cepeida indicated he went into apprehension mode after Corona threw the handgun knowing that Officers Cabral and Silva were nearby to assist Officer Cepeida in taking Corona into custody. Officer Cabral advised Officer Silva, "Gun, gun, gun," and stopped the police vehicle in the parking lot.

According to the FID investigation, after Corona threw the handgun, Corona turned to his left, looked in Officer Cepeida's direction and placed his right hand into his right front sweatshirt pocket. Officer Cepeida was approximately three feet from Corona while holding his baton in his left hand and pointing his service pistol at Corona with Officer Cepeida's right arm raised. Officer Cepeida's BWV depicts Corona moving towards Officer Cepeida with his right hand still in his front sweatshirt pocket. Officer Cepeida dropped his baton, raised and placed his left hand around Corona's front sweatshirt collar, and stated, "Get on the fucking ground!" Corona placed his left hand on Officer Cepeida's left wrist at which time Officer Cepeida made a jabbing motion with his right hand and struck Corona in the face with the barrel of his pistol. At the time he was struck with the pistol, Corona's right hand was still inside his sweatshirt pocket.⁹

According to Officer Cepeida, he was *four to five feet* from Corona when Corona reached into his waistband, grabbed a handgun, and tossed the handgun over a fence. Officer Cepeida was holding his service pistol in his right hand and pointing his service pistol at Corona's face, while Officer Cepeida held his baton in his left hand. Officer Cepeida directed Corona to *get on the ground*; however, Corona placed his *right hand* back into his *pocket* and took *two steps towards* Officer Cepeida. Officer Cepeida stated he felt *vulnerable* and *threatened* and Officer Cepeida was not sure if Corona was *trying to arm* himself with an additional handgun or other *type of weapon*. Corona's actions caused Officer Cepeida to *drop* his baton out of his left hand and *as a reaction*, Officer Cepeida stated he struck Corona with a *jab* to Corona's face utilizing the *barrel* of Officer Cepeida's service *pistol*. Officer Cepeida stated he did this to cause Corona to *back-up* and *stop* Corona from *closing the distance* on Officer Cepeida or prevent Corona from *trying to take* Officer Cepeida's service *pistol* [**Lethal Use of Force – Head Strike, Additional Tactical Debrief Topic - Holding Service Pistol in One Hand and Force Option in Other and Retention of Equipment (Baton)**].

Note: Officers Cabral and Silva stated they did not observe the head strike.

⁸ The FID investigation determined that Corona was armed with a blue-steel, .45 caliber, Taurus, Model PT145 Pro, semi-automatic handgun. Corona's handgun was located in the rear bed of a white pick-up truck, which was parked in the rear yard of 372 North Fickett Street. Officer Cepeida recovered Corona's handgun and determined the handgun was loaded with three .45 caliber cartridges in the magazine and one .45 caliber cartridge in the firing chamber.

⁹ A personnel complaint alleging Officer Cepeida unnecessarily struck Corona with his pistol was initiated by FID investigators on behalf of Corona (CF No. 20-000870).

According to the FID investigation, Officer Cabral exited the driver's side of the police vehicle and simultaneously, Officer Silva exited the front passenger door of the police vehicle. Officer Cabral intended to remain behind the police vehicle's ballistic door but noticed that Officer Cepeida required assistance. Officer Silva unholstered her service pistol and held it in her right hand as she and Officer Cabral approached Officer Cepeida and Corona. Officer Cabral unholstered his service pistol and held his service pistol in a two-hand low-ready shooting position. As Officer Cabral approached Officer Cepeida and Corona, Officer Cabral directed Officer Silva to broadcast. Officer Cepeida observed Officers Cabral and Silva approaching as Officer Cepeida's BWV captured him communicating to Officers Cabral and Silva that Corona had thrown the handgun over the fence (**Additional Tactical Debrief Topic - Basic Firearms Safety Rules**).

According to Officer Silva, she observed Corona throw a *handgun* into the air and heard Officer Cabral state, "Gun, gun, gun," as Officer Cepeida was "struggling" with Corona. Officer Silva *unholstered* her service pistol with her *right hand* and held her service pistol with *two hands* and her finger alongside the *frame* because Officer Silva had a "reasonable belief that the situation may escalate to where deadly force may be justified" (**Drawing/Exhibiting**).

According to Officer Cabral, he observed Officer Cepeida, while having his service pistol out, attempting to hold Corona with his left hand. Officer Cabral advised Officer Silva to broadcast a request for a *backup*. As he exited his police vehicle, Officer Cabral observed Corona *throwing* an *object* into the air and "immediately recognized it was a firearm." Officer Cabral stated "Gun, gun, gun," to Officer Silva and believed Corona could have a *second firearm*. Officer Cabral unholstered his service pistol because he believed the *situation* was going to *lead to deadly force* (**Drawing/Exhibiting**).

According to the FID investigation, Officer Cepeida grabbed Corona by the collar of Corona's sweatshirt. Officer Cabral holstered his service pistol and approached Corona and Officer Cepeida to assist Officer Cepeida. As Officer Cepeida maintained his grip around Corona's front collar with Cepeida's left hand, Corona placed himself in a squatted seated position. Officer Cabral stated to Officer Cepeida, "Let's take him down to the ground." Officer Cabral removed his left hand from Corona's rear shoulder and placed it on Corona's left bicep area as Officer Cabral attempted to place Corona's left hand behind his back. Officer Cepeida continued to hold onto Corona's front sweatshirt collar and right wrist. Corona was lifted from his squatted position as Officers Cepeida and Cabral attempted to place Corona on the ground. Corona was slumped over refusing to place himself onto the ground. Corona's resistance caused Officer Cepeida to move forward, resulting in Corona striking the right side of this face against the plywood fence along the north side of the parking lot (**Non-Lethal Use of Force – Firm Grips, Physical Force**).

According to Officer Cepeida, he grabbed Corona by the right and left arms and attempted to place Corona on the ground. Officer Cepeida *felt* Corona *moving* and Corona was not *going* down to the *ground*. Officer Cepeida stated he was *trying to walk* Corona down, but Corona *walked into that area* where Officer Cepeida *believed* Corona struck *his* (Corona's) *head* on the *plywood fence*. Officer Cepeida stated he and Cabral were able to *use* the plywood fence as a

control device so Corona *would stop moving* and the officers could *apply body weight*. Officer Cepeida stated he did not purposely force Corona into the plywood fence.

Note: According to the FID investigation, Officer Cabral heard Officer Cepeida state, “The plywood,” as they struggled with Corona; however, Officer Cepeida’s BWV did not capture this statement.

According to the FID investigation, Officer Silva holstered her pistol and broadcast, “4G16, show me Code Six. Let me have a back-up on Fickett and Cesar Chavez. 415 man with a gun.” In response to the back-up broadcast, the following GED, Hollenbeck Area, units responded: Officers M. Gomez, Serial No. 37292, and J. De La Riva, Serial No. 39039, Unit 4G14W7, Officers U. Flores, Serial No. 39923, and R. Sweet, Serial No. 42017, Unit 4G7W7, Sergeant J. Vazquez, Serial No. 30976, Unit 4G30W7, and Sergeant L. Olea, Serial No. 35700, Unit 4G40W7.

According to the FID investigation, after Corona was placed against the plywood fence, Officer Silva’s BWV captured Officers Cepeida and Cabral attempting to place Corona’s hands behind his back. Officer Cepeida was behind and to the right of Corona as Officer Cabral was behind and to the left of Corona. Corona had his legs spread apart and his torso bent forward. Officer Silva’s BWV depicts Officer Cepeida releasing his right hand from Corona’s right wrist and striking Corona twice in the right hip area with Officer Cepeida’s right closed fist. After striking Corona, Officer Cepeida placed his right hand back on Corona’s right wrist as Officer Cepeida directed Corona to get onto the ground. Officers Cepeida and Cabral placed Corona on the ground adjacent to the plywood fence. Officer Cabral controlled both of Corona’s hands as Officer Cepeida completed the handcuffing process [**Non-Lethal Use of Force – Firm Grips, Body Weight, Physical Force, Strikes/Punches and Additional Tactical Debrief Topic – Situational Awareness (Baton)**].

According to Officer Cepeida, he directed Corona to “get on the ground;” however, Corona was not *going with the program* and Corona *pulled his arm away* from Officer Cepeida’s grip. Officer Cepeida stated Corona *looked like* he was *going back into his pocket*. Officer Cepeida *punched* Corona in the *back area, twice*, at which point, Officer Cepeida was able to re-acquire Corona’s *right hand* and placed Corona’s right hand behind Corona’s back. Officer Cepeida stated he and Officer Cabral utilized *body weight* to *push* Corona onto the ground and placed *handcuffs* on Corona.

According to Officer Cabral, he observed Officer Cepeida struggling with Corona. Officer Cabral holstered his service pistol and applied a *two-handed grip* on Corona’s *left arm*. Officer Cabral stated to Officer Cepeida, “Let’s take him down to ground,” and Corona was lifted from a *crouched* position. Officer Cabral stated Corona was *trying to push south, away* from both Officers Cabral and Cepeida. Once Corona was placed against the plywood fence, Corona *hunched down, tensed up*, and *resisted* Officers Cabral and Cepeida’s attempts to handcuff him. Officer Cabral was *still* holding Corona’s left arm and assisted Officer Cepeida in guiding Corona to the ground by utilizing Corona’s *body weight* and physical force to *push* and guide

Corona between a parking stall *block* and the *fence*. Officer Cabral maintained Corona in this position as Officer Cepeida handcuffed Corona.

Note: According to the FID investigation, Officer Cabral's BWV was dislodged from his chest and fell onto the ground. The audio remained active, but there was no video until Officer Cabral was able to retrieve his BWV from the ground. The Uniform and Equipment Committee approved the use of the Axon Body Worn Video Wing Mount in a Notice dated October 8, 2020. The Heavy-Duty Magnet Mount remains authorized.

According to the FID investigation, Officer Cepeida's BWV captured Officer Cepeida lifting Corona off the ground and pushing Corona against the plywood fence. Officer Cepeida then walked Corona to his police vehicle and placed him against the passenger side of the police vehicle (**Non-Lethal Use of Force – Physical Force and Additional Tactical Debrief Topic – Searches of Arrestees**).

According to Officer Cepeida, after Corona was handcuffed, he picked Corona up off of the ground and *placed* Corona against the *flimsy* plywood fence to *stabilize* Corona as Officer Cepeida checked Corona's waistband for *additional weapons*. Officer Cepeida further stated he wanted to *stabilize* Corona, so Corona would *stop moving* and Officer Cepeida could conduct a *proper search*. Officer Cepeida pulled Corona's clothing up to *expose* Corona's *waistband* and conducted a *visual search* for *additional weapons*.

According to the FID investigation, Officer Silva broadcast, "Code Four, suspect in custody," and requested the response of a GED supervisor. Officers Gomez and De La Riva arrived on scene and Officer Cepeida asked Officer Gomez to conduct a pat-down search of Corona. Officer Gomez' BWV depicts Officer Gomez recovering folded U.S. currency from Corona's left sock containing narcotics.¹⁰ In addition, Officer De La Riva requested the response of a rescue ambulance (RA) for Corona due to a laceration on Corona's cheek. Los Angeles Fire Department RA No. 2, staffed by Firefighter/Paramedics Boswell and Lugo arrived at scene. Paramedic Boswell treated Corona for the injury on the left side of his face. Corona did not complain of any other injuries and was not transported to a hospital (**Additional Tactical Debrief Topic - Requesting a Rescue Ambulance**).

According to the FID investigation, Officers Cepeida and Cabral responded to the residence of 372 North Fickett Street to search for the handgun that Corona had thrown. Officer Cepeida located the handgun in the rear bed of a white, 2014 Toyota Tundra pick-up truck which was parked in the rear yard. Officer Cepeida placed a latex glove on his right hand and recovered the handgun. Officer Cepeida removed the inserted magazine, placed his ungloved left hand on the slide, locked it to the rear, and recovered a live round from the chamber rendering the handgun safe. The handgun was then placed in a plastic bag in the trunk of Shop No. 81850 (**Additional Tactical Debrief Topic - Preservation of Evidence**).

¹⁰According to the FID investigation, on March 24, 2020, Criminalist P. Nhan, Serial No. N6269, Forensic Science Division, completed an analysis of the narcotics recovered from Corona. The white crystalline material recovered from Corona's left sock tested positive for methamphetamine

According to the FID investigation, at approximately 1857 hours, Sergeant Olea arrived at scene followed by Sergeant Vazquez, who assumed the role of Incident Commander (IC). According to Sergeant Olea, he met with Officer Cepeida who advised Sergeant Olea that he had struck Corona in the face with his service pistol. Sergeant Olea had not determined if the head strike was intentional or accidental; therefore, Sergeant Olea began investigating the incident as if a Non-Categorical Use of Force (NCUOF) had occurred. Sergeant Olea directed Officers Sweet and Flores to search the area for surveillance footage, while Sergeant Olea photographed Corona. Sergeant Olea met with Sergeant Vazquez and discussed the incident. After clarifying that the head strike was intentional, Sergeant Vazquez contacted Lieutenant M. Bautista, Serial No. 32051, Watch Commander, Hollenbeck Patrol Division, and advised that this incident met the criteria of a Categorical Use of Force (CUOF). Sergeant Olea separated Officer Cepeida and had Officers Sweet and Flores stop their canvass for surveillance footage. Officers Sweet and Flores were in the laundromat viewing surveillance footage when Sergeant Olea advised them that the incident would be investigated as a CUOF. Officers Sweet and Flores stopped watching the surveillance video footage and exited the laundromat. Officers Sweet and Flores did not attempt to download the video (**Additional/Equipment - Categorical Use of Force Protocols**).

FINDINGS

Tactics – Administrative Disapproval, Officers Cepeida, Cabral, and Silva.

Drawing/Exhibiting – In Policy, No Further Action, Officers Cepeida, Cabral, and Silva.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Cabral and Cepeida [(3) Physical Force, (4) Firm Grip, (2) Strikes/Punches, and (1) Bodyweight].

Non-Lethal Use of Force – Out of Policy, Administrative Disapproval, Officer Cepeida. [(1) Physical Force)].

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officer Cepeida.

ANALYSIS¹¹

Detention

Officers Cepeida, Silva, and Cabral were working a uniform assignment and assigned to the Gang Enforcement Detail in Hollenbeck Area when they observed activity which they believed to be consistent with a hand-to-hand narcotics transaction. The location of the activity was also in an area that the officers believed was known for narcotics and gang activity. Officers Cepeida, Cabral, and Silva attempted to conduct a pedestrian stop on Corona, who was one of the individuals involved in the narcotics transaction. Corona fled on foot and Officer Cepeida pursued Corona on foot, while Officers Cabral and Silva followed in their police vehicle. During

¹¹ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the FID investigation.

the officers' attempts to detain Corona, a Categorical use of force ensued. The actions of Officers Cepeida, Cabral, and Silva during their initial attempt to detain Corona were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Prior to the date of this incident, Officers Cabral and Silva had been regular partners in Hollenbeck GED for approximately five months. During that time Officers Cabral and Silva had regularly discussed tactics, which included contact and cover roles, response to back-ups, perimeters, foot pursuit tactics, weapons systems, as well as apprehension versus containment.

Prior to this date, Officer Cepeida had a regularly partner; however, his regular partner had been injured during an Officer-Involved Shooting (OIS) and according to Officer Cepeida, he had worked with Officers Cabral and Silva approximately four to five times previously. According to Officers Cepeida, Cabral, and Silva, prior to this shift they discussed contact, cover, and communications responsibilities as a three-officer configuration with regard to traffic and pedestrian stops. Officers discussed that situations were fluid and that they needed to be versatile when dealing with an incident; however, upon their interviews with FID investigators it was noted that the officers' perceived roles overlapped each other. Officer Cabral believed that as the driver, he was the contact officer. Officer Silva believed that as the front passenger she was the contact officer for pedestrian stops initiated on the passenger side of the police vehicle. Officer Cepeida, Cabral, and Silva believed Officer Cepeida was to be responsible for communications and supplemental cover.

According to Officers Cepeida, Cabral, and Silva they observed what they believed was a narcotics transaction between Corona and two unidentified males. Officers Cabral, Cepeida, and Silva discussed their observations and made the determination to conduct a pedestrian stop on Corona. Officer Cabral conducted a U-turn and the officers monitored Corona for approximately 42 seconds, as determined by FID investigators, without communicating and coordinating a tactical plan between each other. Upon their attempted detention of Corona, Corona ran from the officers and Officer Cepeida, who was the designated communications officer, pursued Corona on foot, while Officers Cabral and Silva followed in the police vehicle. As the foot pursuit continued and to the point of its conclusion, Officers Cabral, Silva, and Cepeida did not communicate amongst each other. Officer Cabral did direct Officer Silva to broadcast as he approached Officer Cepeida, who was physically struggling with Corona, and Officer Cabral communicated to Officer Cepeida that they should place Corona onto the ground when Corona was crouching down.

The UOFRB concluded, and I concur, that while Officers Cepeida, Cabral, and Silva had a prior discussion and plan regarding designated roles and assignments, the officers were confused with respect to their responsibilities, which was evident throughout the entire incident. While officers discussed the necessity of being flexible and fluid in their tactics and actions, this does not equate to abandoning the essential role of developing and furthermore, following the plan that was discussed. The UOFRB discussed at length that Officers Cabral, Cepeida, and Silva did not utilize the time they had between observing the narcotics transaction to attempting to detain Corona to create and coordinate a basic plan or put themselves Code Six for this incident. The UOFRB also made note that Officer Cepeida abandoned his role as communications officer to become contact officer and acted as an individual officer in his pursuit of Corona as opposed to being a member of a functioning three-officer team.

Assessment – Officers Cepeida, Cabral, and Silva observed what they believed was a narcotics transaction between Corona and two unidentified males. After observing the transaction and assessing Corona's actions of distancing himself from the other males upon seeing police officers, Officers Cabral, Cepeida, and Silva agreed to conduct a pedestrian stop on Corona. As Officer Cabral conducted a U-turn with the police vehicle, he scanned the location and assessed

Corona's path and the environment they were in, which consisted of multiple civilian vehicles and community members. Officer Cabral also assessed that there was a barbershop which was known to the officers and communicated by officers as a location that operated as a haven for gang members and was tactically disadvantageous to law enforcement personnel. Officer Cabral drove past Corona and placed the police vehicle into a driveway apron, potentially blocking Corona's path as Corona walked west on the north sidewalk of Cesar Chavez Avenue. Upon doing so, Corona turned and ran from the officers. Officer Cepeida exited the police vehicle and initiated a foot pursuit of Corona. Officer Silva assessed the situation and began to open her police vehicle door to join Officer Cepeida in the foot pursuit of Corona; however, Officer Cabral, having knowledge that Officer Cepeida was a fast runner, assessed the situation and communicated with Officer Silva to remain in the police vehicle so they could keep up with Officer Cepeida.

As Officer Cepeida was engaged in a foot pursuit with Corona, Officer Cepeida assessed Corona's path and stated that he "pied" a corner after briefly losing sight of Corona. Officer Cepeida assessed Corona's movements, specifically the placement of Corona's hands near his waistband area, while Officer Cepeida directed Corona to discontinue fleeing and make his hands visible. Officer Cepeida further assessed Officers Cabral and Silva were close behind Officer Cepeida by the sound of the police vehicles engine and "chirp" of the police vehicle's siren, as Officer Cepeida continued to pursue Corona on foot. Officer Cepeida observed Corona reach into his waistband area and formed the belief that Corona may be arming himself with a weapon, causing Officer Cepeida to unholster his service pistol. Officer Cepeida assessed that after Corona threw a handgun over a fence, Corona turned to face Officer Cepeida and Corona placed his hand into his right front shirt pocket once again.

Officer Cabral observed Officer Cepeida and Corona in the corner of the lot and tactically parked the police vehicle to be utilized as cover and assessed that Officer Cepeida needed assistance. Officers Cabral and Silva observed Corona throw the handgun into the air and unholstered their service pistols. Officer Cabral holstered his service pistol as he assessed that Officer Cepeida needed assistance in utilizing force to detain Corona and Officer Silva holstered her service pistol and at the direction of Officer Cabral, broadcast for a back-up.

Time – After Officers Cabral, Silva, and Cepeida observed a narcotics transaction and made the decision to detain Corona, they had time to develop and communicate a tactical plan, as well as provide CD with a Code Six location, prior to attempting to conduct the pedestrian stop. Additionally, as the attempted detention escalated into a foot pursuit and subsequent use of force, none of the officers communicated their location, requested resources, or that a foot pursuit was in progress, until an additional 41 seconds had passed, as determined by FID investigators.

According to Officer Cepeida, near the termination of the foot pursuit as Corona threw his handgun into the air, Officer Corona was approximately three to five feet from Corona. Officer Cepeida initiated contact with Corona and became involved in a use of force. Officer Cepeida stated he was in "containment" mode and transitioned to "apprehension" mode after seeing Corona throw the handgun.

The UOFRB concluded, and I concur, that Officers Cepeida, Cabral, and Silva were afforded some time to develop a basic tactical plan specifically for this incident, to provide CD with a Code Six location, discuss specific roles, and broadcast a foot pursuit for additional resources to respond to their location. The UOFRB was critical of Officer Cepeida's continued advancement towards Corona as Corona placed his hand into his pocket while being contained in the corner of the parking lot, producing and throwing a handgun, and then approaching Officer Cepeida. The UOFRB would have preferred Officer Cepeida had created distance, utilized the cover afforded to him by the police vehicle so he and Officers Cabral and Silva could have benefited from additional time to de-escalate the incident.

Redeployment and/or Containment – According to Officer Cepeida, while in a foot pursuit with Corona, he was in containment mode until he observed Corona produce a handgun and throw the handgun into the air. Corona again placed his right hand into his front pocket and according to Officer Cepeida, he switched from containment to apprehension mode initiating contact with Corona.

The UOFRB concluded, and I concur, that although Officer Cepeida stated he was attempting to contain Corona, Officer Cepeida continued to close the distance on Corona to the point where Officer Cepeida was within three to five feet of Corona, when Corona threw the handgun. Additionally, during the foot pursuit there was no communication between Officers Cepeida, Cabral, and Silva or to CD to establish a perimeter to contain Corona. The UOFRB also deliberated with great concern over Officer Cepeida's reasoning and actions to physically engage Corona, who had just produced and thrown a handgun and then placed his hand back into his sweatshirt pocket, causing Officer Cepeida to believe Corona may be accessing an additional weapon. The UOFRB would have preferred, and I concur, that Officer Cepeida re-deploy to create distance, seek cover if available, and utilize his partners in a manner that would be tactically advantageous to the officers should Corona produce a second weapon.

Other Resources – As Officer Cabral and Cepeida were actively involved in the use of force with Corona, Officer Silva requested a back-up for additional units to respond to their location for a "415 man with a gun," at the direction of Officer Cabral. Upon the conclusion of the use of force and detention of Corona, Officer Cepeida requested a supervisor's response to document the use of force, as well as requested an air unit to respond and assist in locating the handgun that was thrown by Corona.

The UOFRB discussed Officers Cepeida, Cabral, and Silva's limited use of the additional resources they had available to them. The officers' lack of communication, not only between themselves but with CD, limited the officers' options and ability to gather resources to assist them in this incident. The UOFRB was particularly critical of Officer Silva's lack of initiative in this incident, by not acting to either assist in the use of force or taking on the responsibility of communications, until she was directed by Officer Cabral to do so, who was actively engaged in a physical struggle with Corona.

Lines of Communication – When Officers Cepeida, Cabral, and Silva observed Corona and two unidentified males conduct a possible narcotics transaction, the officers communicated what they

had observed and made the determination to conduct a pedestrian stop on Corona. As they attempted to detain Corona, Officer Cepeida engaged Corona in a foot pursuit but did not advise Officers Silva and Cabral of his intent to do so. Officer Silva reacted by attempting to exit the police vehicle and join the foot pursuit; however, Officer Cabral instructed Officer Silva to remain in the police because Officer Cepeida was a much faster runner than both Officers Cabral and Silva. While in foot pursuit, Officer Cepeida communicated with Corona to stop his flight and display his hands to which Corona did not comply. None of the officers broadcast a Code Six location or that they were involved in a foot pursuit until its conclusion.

Near the termination of the foot pursuit when Corona reached into his waistband and threw his handgun into the air, Officer Cepeida shouted, "Gun, gun, gun" to warn Officer Silva of his observation of a possible deadly threat. Officer Cabral began to assist Officer Cepeida in applying non-lethal force and directed Officer Cepeida to take Corona down to the ground as Officer Cepeida continued to communicate with Corona. Officer Cabral also informed Officer Silva to communicate their need for a back-up.

The UOFRB discussed Officers Cepeida, Cabral, and Silva's overall lack of communication amongst each other, which hindered their efforts to coordinate a response and safely contain Corona. In addition, there was no communication by Officer Silva, or Officers Cabral or Cepeida to obtain additional resources or notify CD of the incident until the foot pursuit had concluded and a use of force had occurred. Officer Silva was not driving the police vehicle and not engaged in the use of force; therefore, as the officers discussed their roles could vary, Officer Silva was in the best position to communicate throughout the incident but did not do so until prompted by Officer Cabral. The UOFRB determined, and I concur, that the overall lack of communication by Officers Cabral, Silva, and Cepeida throughout this incident led to tactical deficiencies and placed the officers at a tactical disadvantage that could have led to significant consequences.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Communication/Tactical Planning (Substantial Deviation, without Justification – Officers Cepeida, Cabral, and Silva)

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- *advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*

- *avoid inappropriate interruptions, and*
- *avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

When assigned to a three-officer unit, officers must consider how to maximize resources while still using basic contact and cover techniques to ensure officer safety. If officers maintain flexibility in roles and responsibilities while maintaining contact and cover techniques, they can safely and effectively deploy as a three-officer unit (Los Angeles Police Department Training Bulletin – Three-Officer Unit Tactics, Volume XLVI Issue 1, May 2017).

Planning – At the beginning of each watch or assignment, partner officers should discuss current community concerns and tactical issues in preparation for their assignment or specific mission. The discussions should include topics such as contact, cover, communication and each officer's responsibilities during pedestrian stops, vehicle pullovers, and foot pursuits. Officers should understand that their responsibilities may shift during dynamic situations and that all three officers must be flexible and adapt as needed (Los Angeles Police Department Training Bulletin – Three-Officer Unit Tactics, Volume XLVI Issue 1, May 2017).

Officers Cepeida, Cabral, and Silva did not develop, communicate, nor adhere to a tactical plan to detain a narcotic suspect who was walking away from the officers and towards a business known as a location frequented by gangs.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns. When assigned to a three-officer unit, officers must consider how to maximize resources while still using basic contact and cover techniques to ensure officer safety.

In this incident, Officers Cabral and Silva had been regular partners for approximately five months and were assigned to GED, Hollenbeck Area. Officers Cabral and Silva had regularly discussed tactics and their stops, which included contact and cover roles, response to back-ups, perimeters, foot pursuit tactics, weapons systems, as well as apprehension versus containment modes. According to Officer Cepeida, he had worked with Officers Cabral and Silva approximately four to five times since his regularly assigned partner had been injured.

According to Officers Cepeida, Cabral, and Silva, prior to beginning their shift, they discussed three-officer tactics and discussed the roles of contact, cover, and communications. The officers stated they discussed that situations were fluid and they needed to be versatile and adapt;

however, upon their interviews with FID investigators it was noted that the officers' perceived roles overlapped.

Officer Cabral stated that since he was the driver, he was the contact officer and Officer Silva was cover, while Officer Cepeida was communications and supplemental cover. Officer Silva stated that as the front passenger officer, she was the contact officer for pedestrian stops initiated on her side of the police vehicle. Officer Cepeida stated he was responsible for communications. Officer Cabral, Cepeida, and Silva observed Corona involved in what they believed to be a narcotics transaction with two unidentified individuals. The officers discussed their observations and made the determination to conduct a pedestrian stop on Corona. Officer Cabral negotiated a U-turn and began to follow Corona with the intention of deploying on Corona. Approximately 42 seconds passed, as determined by FID investigators, as officers followed and eventually deployed on Corona; however, no specific plan was discussed, nor did the officers coordinate their efforts to detain Corona. As Officer Cabral deployed the police vehicle to initiate the pedestrian stop on Corona, Corona turned and ran from officers. Officer Cepeida exited the rear, driver side of the police vehicle and engaged Corona in a foot pursuit without communicating his intentions to Officers Cabral or Silva. Upon observing Officer Cepeida engaged in a foot pursuit with Corona, Officer Silva attempted to exit and join Officer Cepeida; however, at the direction of Officer Cabral, Officer Silva remained in the police vehicle as they utilized the police vehicle to follow the foot pursuit. During the approximate 25 second foot pursuit, as determined by FID investigators, no additional conversation or planning was relayed between Officers Cepeida, Cabral, or Silva.

Near the termination of the foot pursuit, Corona reached into his waistband from which he produced a handgun and then threw that handgun over a fence. The threat Corona posed to the officers caused Officer Cabral and Silva to draw their service pistols and triangulate as Officer Cepeida was already physically engaged with Corona. Officers Silva, Cabral and Cepeida did not re-deploy, coordinate, or discuss positions and options to take Corona into custody. Instead, Officer Cabral directed Officer Cepeida to place Corona onto the ground and directed Officer Silva to advise Communications Division (CD). Officers Cabral and Cepeida utilized force to detain and handcuff Corona with limited communication occurring between the three officers.

The UOFRB concluded that while Officers Cepeida, Cabral, and Silva had a prior discussion and plan regarding designated roles and assignments, the officers were confused with respect to their specific responsibilities, which was a critical component of how the subsequent incident unfolded. While the officers discussed the necessity of being flexible in their tactics and actions, this did not justify a lack of developing a specific plan to detain Corona.

The UOFRB was critical of the 42 seconds that had passed with minimal communication between the three officers after deciding to conduct a pedestrian stop on Corona, to the point at which Officer Cabral tactically deployed the police vehicle at the driveway to detain Corona. There was no basic re-assertion of their roles and clarification of responsibilities to accomplish Corona's detention.

The UOFRB reviewed the officers' confusion as it pertained to their three-officer configuration and pre-planned tactics and roles. According to Officer Silva, the contact officer would be dependent on which side of the police vehicle an individual would be encountered upon; however, as Officer Cabral made the turn, Officer Silva did not exit the police vehicle to initiate contact with Corona. Furthermore, according to Officers Cepeida, Cabral, and Silva, the responsibility for communications in their three-officer configuration was Officer Cepeida; however, as Officer Cepeida exited the rear, driver side of the police vehicle and engaged Corona in a foot pursuit he did so without communicating his intentions to Officers Cabral or Silva.

The UOFRB was particularly concerned about the continued lack of communication and planning amongst all three officers prior to the pedestrian stop, during the foot pursuit, and ultimately escalating into a use of force. The lack of communication limited their force options with no consideration of less-lethal options being deployed and contributed to the overall tactical deficiencies throughout the incident. Additionally, the officers' lack of a clear plan led to officers triangulating, not only on Corona, but with each other, risking a potential crossfire situation. In addition, the UOFRB noted that Officer Silva needed prompting by Officer Cabral to broadcast to CD during the incident and noted Officer Silva's lack of coordination with Officers Cabral and Cepeida during the use of force and Corona's detention.

The UOFRB would have preferred Officers Cepeida, Cabral, and Silva been guided by the concept of the three-officer configuration and maximized their assets by communicating and developing a specific tactical plan with regard to contact, cover, and communications roles, as opposed to relying the assumption they would be flexible in how they handle an incident. As many law enforcement contacts are fluid and unpredictable, it is incumbent upon officers to develop, communicate, and attempt to adhere to a tactical plan to ensure the safety of Department personnel and the community in which we serve.

Based on the totality of the circumstances, the UOFRB determined, and I concur that Officers Cepeida, Cabral, and Silva's deficient communication and lack of developing and adhering to a tactical plan were a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Code Six/Foot Pursuit Broadcast (Substantial Deviation, without justification – Officers Cepeida, Cabral, and Silva)

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

Note: The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).

Effective communication is essential during foot pursuits. Due to the rapidly unfolding situation, officers may not be able to include complete information in the initial broadcast. Additional information may be provided when tactically sound to do so.

Primary Officer: The officer whose primary responsibility is to focus on the threat posed and direction of travel of the suspect. The primary officer is usually the officer in front and closest to the suspect and in a position of advantage to assess any threat posed, give commands and direct the tactics of the pursuit. The role of the officer may change during the course of the foot pursuit, and the primary officer may become the secondary officer.

Secondary Officer: While the primary officer focuses on the suspect, the secondary officer focuses on the safety of the primary officer and responding personnel. The secondary officer broadcasts the location and direction of the pursuit; requests additional resources and coordinates their response and direction of travel. The role of the officer can change during the course of the foot pursuit and the secondary officer can quickly become the primary officer (Los Angeles Police Department Use of Force – Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).

Pedestrian Stop/Vehicle Stop: A three-officer unit should maintain the contact and cover concept during pedestrian and vehicle stops, utilizing one contact officer and two cover officers. This practice avoids forcing one cover officer to divide his/her attention between two contact officers. The importance of cover officers cannot be overstated, and it is of importance to preserve the integrity of utilizing one contact officer whenever feasible during pedestrian stops, even when assigned to a three-officer unit. One cover officer should act as the communication officer to provide timely updates to Communications Division and responding units (Los Angeles Police Department Training Bulletin – Three-Officer Unit Tactics, Volume XLVI Issue 1, May 2017).

Foot Pursuit: When officers are deployed three in a unit, all Department operational rules and tactical guidelines remain in effect as they would for a two-person unit, such as avoiding separation (splitting up) between officers, maintaining adequate communication between officers, and preserving the ability for all officers in the unit to render aid to each other. Officers that are deployed three in a unit shall be held accountable to these tactical guidelines. A three-officer unit involved in a foot pursuit should follow the same tactical concepts as a two-officer unit. Additionally, having a third officer in the unit does not change the tactical consideration of requesting back-up or help, or consideration of containment versus apprehension modes. The police vehicle should not be used to participate in the foot pursuit by attempting to outflank the suspect or otherwise cut off

his/her avenue of escape (Los Angeles Police Department Training Bulletin – Three-Officer Unit Tactics, Volume XLVI Issue 1, May 2017).

Officers Cepeida, Cabral, and Silva did not advise CD of their location when they observed a narcotics transaction and made the decision to conduct a pedestrian stop on Corona. Officer Silva did not broadcast critical information about the direction of travel and location of the foot pursuit, nor did she request additional resources and coordinate their response.

Vehicle and pedestrian stops can be dangerous as the identity and actions of a person stopped is often unknown and actions can be unpredictable. The purpose of broadcasting a Code Six location is to advise CD and other officers of their location and the nature of the field investigation should the incident escalate and necessitate the response of additional personnel. As a general concept, the primary officer in a foot pursuit is expected to focus on the suspect, rather than coordinating resources, and the secondary officer in a foot pursuit is expected to assume the responsibility for such broadcasts. Effective communication utilizing the police radio to broadcast critical information cannot be compromised.

In this case, Officers Cabral, Cepeida, and Silva made the decision to conduct a pedestrian stop on Corona based on their observations and had approximately 42 seconds, as determined by FID investigators, to develop and communicate a tactical plan, as well as provide CD with a Code Six location, prior to attempting to conduct the pedestrian stop. As assigned communications officer, this should have been handled by Officer Cepeida, and if reasonably unable to do so, would become the responsibility of the other passenger officer in the unit, which was Officer Silva and lastly, Officer Cabral. Neither Officers Silva, Cabral, nor Cepeida advised CD of their Code Six location.

The UOFRB noted that all the officers had sufficient time to broadcast their Code Six location and other relevant information prior to contacting Corona and initiating a pedestrian stop. Additionally, when Officer Cepeida pursued Corona on foot, Officer Cabral remained in the police vehicle as the driving officer, and Officer Silva remained as the front passenger officer. Officer Silva, as the secondary officer, did not broadcast the foot pursuit or request additional resources as the foot pursuit ensued, nor did Officer Cabral, until an additional 41 seconds had passed as determined by FID investigators. The UOFRB discussed that advising CD of a Code Six location and broadcasting a foot pursuit were critical components to officer safety.

According to Officers Cabral, Cepeida, and Silva, they discussed that situations were fluid and the need for them to be versatile; however, the UOFRB noted that the officers' perceived roles overlapped and lacked clarity. Officer Cabral indicated since he was the driver, he was the contact officer. Officer Silva stated as the front passenger officer, she was the contact officer for pedestrian stops initiated on her side of the police vehicle, and Officer Cepeida stated he was responsible for communications and supplemented as cover.

The UOFRB discussed that when assigned as a three-officer unit, Officers Cabral, Cepeida, and Silva did not maximize their resources, while utilizing basic contact and cover techniques, to ensure officer safety. The UOFRB noted that officers could be flexible in their roles and in

contact and cover responsibilities; however, Officers Cabral, Silva, and Cepeida were expected to be able to adjust and transition between those roles based on Corona's actions, yet they did not make that adjustment. There were three officers involved and three officers in the police vehicle; however, none of the officers placed themselves Code Six or broadcast the foot pursuit, despite sufficient time to do so. Furthermore, the UOFRB noted that none of the involved officers put out a broadcast until Officer Cabral prompted Officer Silva to get on the radio at the conclusion of the foot pursuit while he and Officer Cepeida were physically engaged with Corona.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Cepeida, Cabral, and Silva's failure to broadcast a Code Six location or foot pursuit, was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Tactical Vehicle Deployment

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Patrol officers must select a safe and tactical position for the placement of the patrol unit (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).

When stopping one or more suspect(s) using the police vehicle; position the patrol vehicle to maximize officer safety for both officers (Los Angeles Police Department, Regular Basic Course, Tactics Lesson Plan, Pedestrian Stops, Pages 7-8, February 2003).

Officer Cabral drove past Corona and placed the police vehicle into a driveway apron, potentially blocking Corona's path as Corona walked west on the north sidewalk of Cesar Chavez Avenue. The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

According to Officer Cepeida, the area was congested with pedestrians and vehicles that were parked along the north curb of Cesar Chavez Avenue, which deterred the officers from immediately detaining Corona. The officers then discussed detaining Corona before he reached the barber shop, located at 2409 Cesar Chavez Avenue, a location known to be frequented by gang members. In this case, Officer Cabral negotiated a northbound turn into the driveway apron of 2433 Cesar Chavez Avenue, as he activated the interior forward-facing emergency red light. In response, Corona turned and began to run eastbound on Cesar Chavez Avenue resulting in a foot pursuit.

I have reviewed all available video from this incident, including the DICVS and BWVs of the officers. Although the position of Officer Cabral's police vehicle and Corona cannot be definitively determined, based on a preponderance of the evidence, it is evident that Officer

Cabral drove past Corona as Officer Cabral drove the police vehicle to the area of the driveway apron.

In considering the circumstances regarding this incident, Officers Cabral, Cepeida, and Silva were assigned to the GED unit in Hollenbeck Area at the time of this incident. These officers' tasks included documenting and monitoring the daily activities of the criminal street gangs, who were often armed. At that particular moment, it was not known to these officers that Corona was indeed armed with a handgun. Although I recognize the challenges of tactically deploying a police vehicle in an area consisting of heavy pedestrian and vehicular traffic, my expectation is that police officers position the patrol vehicle in a manner that reduces an officer's risk and does not compromise the safety of the officers by unnecessarily exposing themselves. Corona's position in relation to the placement of the police vehicle is unclear; however, Officer Cabral should have considered that Corona may possibly be armed, given Officer Cabral's assignment and their knowledge of the area. I would have preferred that Officer Cabral not drive the police vehicle past Corona.

Based on the totality of the circumstances, I have determined that while identified as an area for improvement, Officer Cabral's vehicle deployment was not a deviation from approved Department tactical training. In an effort to improve future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 4 Foot Pursuit Concepts (Substantial Deviation, without Justification – Officers Cepeida, Cabral, and Silva)

At the beginning of each watch or assignment, partner officers should discuss tactical issues to prepare them for their shift or their specific mission. Such discussions should include officer safety issues such as contact and cover responsibilities and foot pursuit tactics.

When officers have reasonable suspicion to detain a suspect and the suspect flees, the involved officers should make a quick assessment of the situation. They should evaluate the risk to themselves, other officers, the suspect and public safety versus what will be gained by engaging in the pursuit. Note: Generally, single officer foot pursuits are discouraged.

Apprehension versus Containment: There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the "apprehension" or "containment" mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources. During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect. Officers may also make the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

Pursuing Armed Suspects: When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties.

During containment operations, good cover is critical to ensure the safety of officers on the perimeter. Cover offers protection from gunfire and allows an officer to safely observe the suspect's probable position. Also, it is important to ensure that no crossfire situation exists. Separation (Split-Up): Separation occurs whenever the distance between the two officers is so great that one cannot render aid to the other when confronted by the suspect or barriers exist that would unreasonably delay the partner officer from being able to render aid. Note: While in containment mode, partner officers may separate a reasonable distance for the limited purpose of setting up a perimeter, as long as they have line of sight of each other. When separated, officers should not normally transition back into apprehension mode and attempt to take the suspect into custody alone (Los Angeles Police Department, Use of Force-Tactics Directive, Foot Pursuit Concepts, Directive No. 3.2, October 2013).

While designated as the supplemental cover and communications officer, Officer Cepeida exited the rear, driver side door of the police vehicle and engaged Corona in a foot pursuit without communicating his intentions to Officers Cabral and Silva during the approximately 25 second foot pursuit, as determined by FID investigators. Upon observing Officer Cepeida engaged in a foot pursuit with Corona, Officer Silva attempted to exit the police vehicle and join Officer Cepeida; however, at the direction of Officer Cabral, Officer Silva remained inside of the police vehicle. Officer Cabral negotiated a U-turn and utilized the police vehicle to follow Officer Cepeida who was engaged in the foot pursuit. During this U-turn, the maximum distance of Officers Cabral and Silva from Officer Cepeida was approximately 215 feet, as determined by FID investigators. Both Officers Cabral and Silva, however, stated they did not lose sight of Officer Cepeida. Officer Silva further added that they were in position to render aid if necessary.

During the initiation of the foot pursuit, Officer Cepeida stated he believed he was initially 15 yards away from Corona, then 10 yards away from Corona at Fickett Street and Cesar Chavez Avenue and closed the gap to eight yards away from Corona as Corona entered the parking lot. Officer Cepeida stated he was in containment mode as he began to close the distance between himself and Corona. Officer Cepeida held his side handle baton with his right hand as he pursued Corona on foot, continuing to close the distance on Corona. Officer Cepeida observed Corona reaching towards his waistband area and believed Corona may be arming himself with a "weapon." Officer Cepeida utilized commands to get Corona to comply; however, Corona continued to flee from the officers. Corona turned left at the corner of Cesar Chavez Avenue and Fickett Street to run northbound on Fickett Street. According to Officer Cepeida, he "pied right" as he turned the corner while continuing to pursue Corona on foot as Officers Cabral and Silva followed Officer Cepeida in their police vehicle. Officer Cepeida observed Corona change his

running stride, reach towards his waistband area, and believed that Corona may be arming himself with a weapon.

Officer Cepeida transitioned his baton to his left hand and drew his service pistol with his right hand as he closed the distance and continued to pursue Corona in “containment” mode as they approached the corner of the end of a fenced parking lot. Officer Cepeida observed Corona reach into his waistband, grab a handgun, and toss the handgun into the air and over a fence as Officer Cepeida closed the distance and transitioned into “apprehension” mode. Officer Cepeida stated he was approximately three to five feet from Corona when Corona stopped and turned towards Officer Cepeida. Corona placed his right hand into his sweatshirt pocket. Officer Cepeida believed Corona may be attempting to arm himself with an additional weapon. Corona then took approximately two steps towards Officer Cepeida. According to Officer Cepeida, Corona left him exposed and stated that redeploying and finding cover was not feasible; therefore, Officer Cepeida initiated physical contact with Corona, while still holding his service pistol in his right hand, as opposed to re-deploying to gain some distance and place Corona into a high-risk prone position.

Although their police vehicle was tactically deployed on Corona and Officer Cepeida at the termination of the foot pursuit, Officers Cabral and Silva left their police vehicle to assist Officer Cepeida who was physically engaged with Corona. During this time, there was no communication or coordination amongst the officers to de-escalate the incident or re-deploy as a team.

The UOFRB deliberated at length on the tactical aspects of foot pursuit concepts as it related to this incident. The UOFRB noted the deficient communication among Officers Cepeida, Cabral, and Silva, as well as Officer Cepeida’s solo foot pursuit. Even though Officers Cabral and Silva believed they were in a position to render aid and visually observed Officer Cepeida during the foot pursuit, the UOFRB would have preferred Officer Silva had exited the police vehicle and joined Officer Cepeida in the foot pursuit, as well as acted as communications officer while Officer Cabral utilized the police vehicle to assist in tactical deployment and cover, if needed.

The UOFRB considered Officer Cepeida’s tactics during the foot pursuit as it related to apprehension mode versus containment mode. While Officer Cepeida described he was in containment mode during much of the foot pursuit, the UOFRB noted that Officer Cepeida continuously gained ground on Corona and made no effort to contain or maintain a safe distance and utilize cover to monitor Corona’s movements. The essential aspect of containment mode is to maintain observation and tactically contain a suspect and make the arrest when adequate resources were in place; not to close the distance on an individual believed to be armed, which limited Officer Cepeida’s tactical options and placed Officers Cabral and Silva in a tactical dilemma when Officer Cepeida chose to physically engage with Corona. The UOFRB noted that throughout this incident Officer Cepeida’s actions were indicative of working alone and not as part of a team, despite the fact that two additional officers were working with him. While pursuing a possibly armed suspect is permitted by Department policy in exigent and limited situations, in this incident, the officers were operating as a three-officer unit, which provided

Officers Cepeida, Cabral, and Silva with adequate resources to monitor and maintain line of sight with Corona, while utilizing available cover and requesting additional resources.

The UOFRB also considered the termination of the foot pursuit. Corona reached into his waistband, produced a handgun, and threw the handgun into the air and over the fence. At that moment, Officer Cepeida stated he switched from containment mode to apprehension mode as Corona reached into his sweatshirt pocket and began to approach Officer Cepeida. Officer Cepeida described Corona's actions as possibly indicative of an attempt to reach for another weapon. Instead of redeploying away from Corona and utilizing the police vehicle as cover. Officer Cepeida stated he was aware his partners were in the black and white police vehicle close behind him. Officer Cepeida continued to close the distance with Corona. Furthermore, Officer Cepeida initiated physical contact with Corona whom he believed may be armed with an additional weapon. The UOFRB would have preferred Officer Cepeida had redeployed, utilized the cover of the police vehicle that was afforded to him, and that Officers Cepeida, Cabral, and Silva worked as a team, utilizing time to further de-escalate the incident.

The UOFRB acknowledged that foot pursuits are fluid and dynamic incidents. The UOFRB considered the totality of all the circumstances with respect to Officers Cepeida, Cabral, and Silva's actions prior to, during, and culminating into this use of force incident. The UOFRB noted the officers' inability to fully utilize their resources and enhance their tactical safety while operating as a three-officer unit. The UOFRB concluded that Officers Cepeida, Silva, and Cabral's actions were inconsistent with the Department's tactical de-escalation techniques and foot pursuit concepts.

Based on the totality of the circumstances, the UOFRB determined, and I concur that Officers Cepeida, Cabral, and Silva's tactics were a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Holding of Service Pistol in One Hand and Additional Force Option in the Other – Officer Cepeida held his service pistol in his right hand while simultaneously holding his baton in his left hand. Officer Cepeida is reminded of the safety issues and tactical disadvantages which come with the holding of his service pistol in one hand and an additional force option in the other hand. Doing so allows for the possibility of an unintended discharge or disarmament by a suspect. I will direct this to be a topic of discussion during the Tactical Debrief.

Retention of Equipment (Baton) – Officer Cepeida dropped his baton on to the ground, rather than secure it in his equipment belt baton ring and initiated physical contact with Corona. Officer Cepeida is reminded of the importance of securing his equipment so it can be readily available as a less lethal force option and to prevent the equipment from becoming a hazard or utilized as a weapon by others. I will direct this to be a topic of discussion during the Tactical Debrief.

Basic Firearms Safety Rules – Officer Cepeida waved his service pistol in the air while he was attempting to physically control Corona. Officer Cepeida is reminded to adhere to the Basic Firearm Safety Rules and be cognizant of his muzzle direction.¹² I will direct this to be a topic of discussion during the Tactical Debrief.

Situational Awareness (Baton) – Officers Cepeida and Cabral forced Corona onto the ground in the area where Officer Cepeida had previously dropped his baton. Although Officers Cepeida and Cabral maintained control of Corona, both officers are reminded to assess the area where they place an individual to ensure it is free of objects that could potentially be used as a weapon against the officers. I will direct this to be a topic of discussion during the Tactical Debrief.

Searches of Arrestees – Officer Cepeida believed Corona may have been armed with an additional handgun; however, after Corona was placed in handcuffs, Officer Cepeida conducted what he described as a “visual” search of Corona’s waistband area. Officer Cepeida then transferred custody of Corona to Officer Gomez and directed Officer Gomez to conduct a complete search of Corona. To ensure officer safety, Officer Cepeida is reminded to conduct a proper search of an arrestee prior to conducting investigative duties. I will direct this to be a topic of discussion during the Tactical Debrief.

Medical Treatment - Requesting a Rescue Ambulance – The FID investigation revealed that Officers Cepeida, Cabral, and Silva did not request a rescue ambulance for Corona after he was handcuffed and taken into custody. Officer De La Riva requested the RA, which was approximately three minutes and 45 seconds after Corona was taken into custody. Officers Cabral, Silva, and Cepeida are reminded of the importance of reverence for human life and ensuring the timely response of appropriate emergency medical personnel. I will direct this to be a topic of discussion during the Tactical Debrief.

Preservation of Evidence – The FID investigation revealed that after becoming involved in a CUOF incident involving an intentional head strike, Officer Cepeida recovered Corona’s handgun by removing it from the bed of a pickup truck. Officer Cepeida then rendered the handgun safe by unloading and manipulating it with a latex gloved right hand and an ungloved left hand. The handgun was placed in the trunk of Officers Cepeida, Cabral, and Silva’s police vehicle. Officer Cepeida is reminded of the importance of maintaining the integrity of the scene following a Categorical Use of Force (CUOF) incident by not removing and relocating evidence and by wearing proper personal protective equipment to avoid contaminating the evidence. To enhance future performance, I will direct this to be a topic of discussion at the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create

¹² LAPD Basic Firearms Manual, July 2015, Chapter 1, Firearms Safety - The Four Basic Firearm Safety Rules, Rule No. 2 – “Never allow the muzzle to cover anything you are not willing to shoot.”

conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant Olea responded from Hollenbeck CPS and was the first supervisor to arrive at the scene, followed by Sergeant Vasquez. Sergeant Olea met with Officer Cepeida and Officer Cepeida advised Sergeant Olea that he had struck Corona in the face with his service pistol. Sergeant Olea did not determine if the head strike was intentional or accidental and began investigating the incident as a NCUOF. Sergeant Olea directed Officers Sweet and Flores to canvass the area for surveillance footage while he photographed Corona. Sergeant Olea advised Sergeant Vasquez of the head strike incident. Upon advisement by Sergeant Vasquez that the forced used was going to be investigated as a CUOF, Sergeant Olea directed Officers Sweet and Flores to discontinue canvassing for surveillance video. Sergeant Olea directed Officers Gomez and De La Riva to transport Corona to Hollenbeck CPS. Sergeant Olea separated, monitored, and transported Officer Cepeida to Hollenbeck CPS.

Sergeant Vasquez arrived on scene and assumed the role of Incident Commander (IC). After clarifying the head strike was intentional, Sergeant Vasquez contacted Lieutenant Bautista and advised that this incident met the criteria of a CUOF. Sergeant Vasquez directed Sergeant Olea to separate and monitor Officer Cepeida. Sergeant Vasquez directed officers to establish a perimeter and collected Officers Cepeida, Cabral, and Silva's BWVs. Sergeant Vasquez separated and monitored Officers Cabral and Silva until Detective II Cook arrived and assumed the monitoring of Officers Cabral and Silva.

Detective II Cook assumed separation, monitoring, and transportation responsibility of Officers Cabral and Silva from Sergeant Vasquez. Upon approval by FID investigators, Officers Cabral and Silva were transported and monitored together by Detective Cook.

Lieutenant Bautista made the proper notifications and documented the incident details as required.

The UOFRB would have preferred that Officer Cepeida had recognized the intentional head strike as a CUOF. In addition, upon being advised of the incident by Officer Cepeida, the UOFRB would have preferred Sergeant Olea had clarified whether the head strike was intentional or unintentional. By not clarifying the circumstances of Officer Cepeida's use of force, Sergeant Olea began to investigate the incident as a NCUOF incident. The UOFRB would also have preferred that either Sergeant Olea or Vasquez verbally declared themselves as the IC rather than Sergeant Vasquez having assumed the role. Although these were areas identified for improvement, Sergeants Olea and Vasquez did meet the expectations of field supervisors at the scene of a CUOF incident after the incident was identified as such. As is expected, the sergeants adhered to their roles as supervisors, coordinating with each other, and completing their assigned tasks. The supervisors ensured that post CUOF protocols were adhered to by separating and monitoring their assigned officers until relieved.

The actions of Sergeant Olea, overall, were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.

The actions of Sergeant Vasquez and Detective Cook were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

The actions of Lieutenant Bautista were consistent with Department supervisory training and met my expectations of a watch commander during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers Cepeida, Cabral, and Silva's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officers Cepeida, Cabral, and Silva attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On March 25, 2020, Officers Cepeida, Cabral, and Silva attended a GTU where all mandatory topics were covered, along with Foot Pursuit Concepts.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Cepeida

According to Officer Cepeida, as he ran after Corona who had just completed a narcotics transaction, Officer Cepeida observed Corona put his hands into his waistband. Officer Cepeida transitioned his baton from his left hand and drew his service pistol because Officer Cepeida believed Corona may be armed and possibly "pull out a firearm" which could lead to Officer Cepeida having to use deadly force.

Officer Cepeida recalled,

*It seemed that it appeared that they were doing a hand-to-hand exchange, possibly narcotics.*¹³

*And that's when I -- I -- I told him before that time, "Let me see your hands," as I'm running, and to stop, but he pulled his -- that's when he put his hand to his waistband and pulled out a firearm, and that's when I drew my pistol.*¹⁴

As soon as he crossed -- gets to Fickett and Chavez is when I see him put his hand in his pocket. And that's when I transitioned over my PR-24 to my left hand, and I drew out my pistol just in case he was going to pull out a firearm. So that's when I changed -- I made that

¹³ Officer Cepeida, 1st Interview, Page 12, Lines 2 - 4

¹⁴ Officer Cepeida, 1st Interview, Page 14, Lines 17 - 21

transition to -- to exhibit my firearm.¹⁵

Well, the suspect's actions, putting his hands into his waistband, would lead me to believe he might be armed. So that's why I drew out my firearm.¹⁶

*It would have to -- I would I have to use deadly force, possibility of using deadly force.¹⁷
Could've led to deadly force.¹⁸*

I believe as soon as I hit the corner of Fickett and Chavez traveling in a northeast direction is when I took my gun out because I felt he was reaching for something at that point.¹⁹

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officer Cepeida's Drawing/Exhibiting of his service pistol. The UOFRB considered that Officer Cepeida had observed Corona engaged in conduct with two other unidentified persons in a manner which Officer Cepeida interpreted to be a narcotics transaction. Corona fled from the location to which Officer Cepeida engaged in foot pursuit. Officer Cepeida stated that during the foot pursuit, he observed Corona put his hands into his waistband to which Officer Cepeida believed that Corona may "pull out a firearm."

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Cepeida, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officer Cepeida's Drawing/Exhibiting to be In-Policy, No Further Action.

Officer Silva

According to Officer Silva, she observed Corona throw a handgun into the air and heard Officer Cabral state, "Gun, gun, gun," as Officer Cepeida was "struggling" with Corona. Officer Silva unholstered her service pistol with her right hand and held her service pistol with two hands and her finger alongside the frame because Officer Silva had a "reasonable belief that the situation may escalate to where deadly force may be justified."

Officer Silva recalled,

As my part -- as Officer Cabral and I are in the -- inside the vehicle, I hear Officer Cabral say, "Gun, gun, gun, gun, gun," and we both immediately deploy from -- from the vehicle. At which point, because I saw the handgun up in the air, my partner said, "Gun, gun, gun," and

¹⁵ Officer Cepeida, 1st Interview, Page 27, Lines 3 - 9

¹⁶ Officer Cepeida, 1st Interview, Page 27, Lines 20 - 23

¹⁷ Officer Cepeida, 1st Interview, Page 28, Lines 1 - 3

¹⁸ Officer Cepeida, 1st Interview, Page 37, Line 23

¹⁹ Officer Cepeida, 1st Interview, Page 54, Lines 3 - 6

I know I saw Officer Cepeida struggling with the suspect, I unholstered my handgun. I unholstered my handgun because I had reasonable belief that the situation may escalate to where deadly force may be justified.²⁰

I unholstered with my right hand, and I pointed to the suspect.²¹

I believe two hands.²²

It was on the frame --²³

Officer Cabral

According to Officer Cabral, he observed Officer Cepeida trying to hold Corona with his left hand, and Officer Cepeida had his service pistol out. Officer Cabral advised Officer Silva to broadcast a request for a backup. According to Officer Cabral, as he exited his police vehicle, Officer Cabral observed Corona throw an object into the air and "immediately recognized it was a firearm." Officer Cabral stated "Gun, gun, gun," to Officer Silva and believed Corona could have a second firearm. Officer Cabral unholstered his service pistol because he believed the situation was going to "lead to deadly force."

Officer Cabral recalled,

And I -- I -- what I saw was him trying to hold him with one hand, his left hand, and I saw him with his pistol out, his duty pistol, at which point I advised Officer Silva to broadcast, because now we're able to broadcast. She broadcast for the backup. I unholster my weapon because I believe the situation was going to lead to deadly force.²⁴

So as I drove the vehicle into the parking lot and as I'm opening -- prior to open -- me opening my door, I see the suspect with his right hand do like an exaggerated arch, like a throw. And as -- as he releases an item, I see the item in the air go over the fence, and I immediately recognize it as a firearm.²⁵

As I deployed from the vehicle, I had seen him -- the suspect kind of do an exaggerated -- like an arch throwing, kind of throwing an object. And as I saw the object in the air, I immediately recognized it was a firearm. So I knew that if he had one firearm, he could possibly have a second firearm.²⁶

²⁰ Officer Silva, Page 11, Lines 2-16

²¹ Officer Silva, Page 22, Lines 15-16

²² Officer Silva, Page 22, Line 19

²³ Officer Silva, Page 22, Line 22

²⁴ Officer Cabral, Page 13, Lines 6-13

²⁵ Officer Cabral, Page 26, Lines 9-15

²⁶ Officer Cabral, Page 13, Lines 22-25 and Page 14, Lines 1-3

And that I was sure that -- because I notified Silva. I said, "Gun, gun, gun." And she said she got it.²⁷

The UOFRB conducted a detailed evaluation of the reasonableness of Officers Cabral and Silva's Drawing/Exhibiting of their service pistols. The UOFRB considered that Officer Cabral and Silva observed Corona in possession of a handgun and observed the handgun tossed into the air.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Cabral and Silva, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Cabral and Silva's Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force

Use of De-Escalation Techniques²⁸

It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Factors Used to Determine Objective Reasonableness²⁹

The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*

²⁷ Officer Cabral, Page 27, Lines 4-5

²⁸ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

²⁹ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

Use of Force – Non-Deadly³⁰

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

Officer Cepeida – (3) Physical Force, (4) Firm Grip, (2) Strikes/Punches, and (1) Bodyweight

According to the FID investigation, Officer Cepeida grabbed Corona by Corona's sweatshirt collar.

According to Officer Cepeida, he grabbed Corona by the right and left arms and attempted to place Corona on the ground. Officer Cepeida felt Corona moving and Corona was not going down to the ground. Officer Cepeida stated he was trying to walk Corona down, but Corona walked into that area where Officer Cepeida believed Corona struck his (Corona's) head on the plywood fence. Officer Cepeida stated he and Cabral were able to use the plywood fence as a "control device" so Corona would stop moving and the officers could apply body weight. Officer Cepeida stated he did not purposely force Corona into the plywood fence.³¹

According to Officer Cepeida, he directed Corona to "get on the ground;" however, Corona was "not going with the program" and Corona pulled his arm away from Officer Cepeida's grip. Officer Cepeida stated Corona looked like he was going back into his pocket. Officer Cepeida

³⁰ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

³¹ Officer Cepeida, 1st Interview, Page 39, Line 14.

punched Corona in the back area, "twice," at which point, Officer Cepeida was able to re-acquire Corona's right hand and placed Corona's right hand behind Corona's back. Officer Cepeida stated he and Officer Cabral utilized body weight to push Corona onto the ground and placed handcuffs on Corona.³²

Officer Cepeida recalled,

I acquired a firm grip with my right hand to try to push him downwards on the ground with -- with my left hand on his -- on his upper back, but he kind of walked and moved to where we had to use a -- it was like a plywood that was against a fence area, to gain some kind of compliance to have him stop moving. He still wasn't really going with the program as far as proning himself down, and he pulled his -- at that point he pulled his arm away from my grip, where I punched him in this back area approximately two, three times, at which point I was able to acquire that right hand from him again and place it behind his back where we finally were able to put body weight down on him and then put some handcuffs on him and take him into custody.³³

I gra- -- from what I can recall, I grabbed onto his right arm, my right hand to his right wrist, and my left to the upper part of his shoulder area or upper back.³⁴

And so I believe I communicate to the suspect, "Get on the ground." And we said, "Get on the ground," a few times so that, you know, we can put him on his chest and put his hands behind his back to put some handcuffs on him. He still wasn't going with the program. He was slumped over but wasn't putting himself on the ground. And it kind of forced us to move him to -- to shove him down to the ground with -- with some body weight but that it only put him on that plywood fence area where -- we did use it -- I -- I know I use it as a control device so where he would stop moving and so we can apply body weight. When that happened, I actually did lose grip with my right hand, and he pulled his hand back away. It looked like he was going back into his pocket, at which point I decided to punch him twice and try to gain compliance of that arm again, where we were able to use body weight at that point and put his hands behind his back.³⁵

I felt he was moving. He wasn't going down to the ground and he -- you know, I was trying to walk him down, but he just walked into that area to where I believe he hit his head on that plywood fence area.³⁶

I was able to get control of his right wrist.³⁷

³² Officer Cepeida, 1st Interview, Page 15, Lines 16 – 17, 19 – 25 and Page 16, Lines 1 – 8.

³³ Officer Cepeida, 1st Interview, Page 15, Lines 19 – 25 and Page 16, Lines 1 – 8

³⁴ Officer Cepeida, 1st Interview, Lines 19 – 22

³⁵ Officer Cepeida, 1st Interview, Page 39, Lines 3 – 22

³⁶ Officer Cepeida, 1st Interview, Page 40, Lines 4 – 8

³⁷ Officer Cepeida, 1st interview, Page 41, Lines 14 – 15

I believe it's on his upper back, because that's where I was holding him initially to try to force him down with my left hand and pull him back with -- pull -- pull back with my right and to get his left wrist behind his back.³⁸

So after I -- I struck him twice with my closed fist, it was -- it was effective in getting his right hand free to put it behind his back. At that point both myself and Cabral, we already used body weight to push him down to the ground. During that whole time we're communicating to get on the ground, get on the ground. And he's not doing it initially, but we were able to finally get him down on his -- on his chest area to put his hands behind his back.³⁹

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officer Cepeida's use of non-lethal force with particular attention given to the two strikes/punches delivered to Corona. After the head strike occurred, Corona refused to comply with Officer Cepeida's commands by resisting efforts to go down onto the ground. Corona advised Officer Cepeida that he was on the ground; however, Corona remained in the crouched position, refusing to comply with commands. While attempting to handcuff Corona and take him into custody, Officer Cepeida utilized firm grips and physical force to pick Corona up from a crouched position and toward a plywood fence. When Officer Cepeida perceived Corona was pulling his arm from Officer Cepeida's grasp and moving his arm towards his pocket, Officer Cepeida delivered two punches with his right hand to Corona's right hip area.

The UOFRB deliberated in depth with regard to Officer Cepeida's two punches to Corona's right side. In doing so, the UOFRB inquired upon Subject Matter Experts (SME) from LAPD Training Division (TD) Arrest and Control Section (ARCON) personnel as to the Department's training with regard to utilizing strikes or punches. The ARCON SMEs advised the UOFRB that while the Department does teach officers to utilize strikes based on a suspect's specific actions, as in this case where a suspect may be reaching towards a pocket, the preferred actions would be to gain control of a suspect's legs and utilize bodyweight to place a suspect onto the ground. In addition, the ARCON SME's would advise officers in this case to work at continuing to control the suspect's arm because initiating punches could cause an officer to lose control of a suspect's arm.

While the UOFRB would have preferred a more coordinated effort in taking Corona to the ground by having Officer Silva control Corona's legs, Officer Cepeida delivered the punches to Corona in close quarters and in quick succession, which appeared controlled and reasonable. Following the punches, Officer Cepeida was able to gain compliance and continued to utilize minimal applications of firm grips, physical force, and bodyweight to take Corona to the ground and into custody.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Cepeida, while faced with similar circumstances,

³⁸ Officer Cepeida, 1st Interview, Page 41, Lines 3 - 7

³⁹ Officer Cepeida, 1st Interview, Page 41, Lines 19 - 25 and Page 42, Lines 1 - 4

would believe that these same applications of non-lethal force would be objectively reasonable to overcome Corona's continued resistance.

Therefore, I find these applications of Officer Cepeida's non-lethal use of force [(3) Physical Force, (4) Firm Grip, (2) Strikes/Punches, and (1) Bodyweight] to be In Policy, No Further Action.

Officer Cepeida – (1) Physical Force

According to Officer Cepeida, after Corona was handcuffed, he lifted Corona up and off of the ground, placed Corona against the "flimsy" plywood fence to "stabilize" Corona, as Officer Cepeida checked Corona's waistband for additional weapons. Officer Cepeida further stated he wanted to stabilize Corona, so Corona would stop moving and Officer Cepeida could conduct a proper search. Officer Cepeida pulled Corona's clothing up to expose Corona's waistband and conducted a visual search for additional weapons.

Officer Cepeida recalled,

I was on the ground with the suspect handcuffing him, and I actually am picking him up, which he wasn't really helping me or assisting me picking him up, so I was doing a lot of the work as far as lifting that weight from his body weight. When I finally got him up on his feet, I used -- it's like a plywood that was attached to a flimsy fence to stabilize him, because I was going to check his waistband once again to make sure he didn't have any additional weapons from the one that I saw him toss. So I -- I placed him up against that ply -- plywood board to check his waistband one more time before handing him off or putting him in the back seat of a police vehicle. I wouldn't say it's unnecessary. I just wanted to stabilize him so where he can stop moving where I could do a proper search or check his waistband properly.⁴⁰

I physically pulled up his T-shirt and whatever clothing he had to like the lower part of his chest area to expose his waist band so I could check it one more time and see there was no additional weapons, so, yeah, I did. That's why I checked him.⁴¹

It was a visual search.⁴²

In this case, the UOFRB conducted an evaluation as to the reasonableness of Officer Cepeida's use of physical force in which Officer Cepeida's BWV depicts Officer Cepeida lifting a handcuffed Corona off the ground and pushing Corona against the plywood fence. The UOFRB discussed the reasonableness of this application of physical force with regard to a handcuffed individual who was no longer offering officers resistance. The UOFRB determined that at the time Officer Cepeida pushed Corona into the plywood fence, Corona was no longer resisting officers, nor attempting to flee. Corona was handcuffed and Officer Cepeida had control of Corona. The UOFRB noted that this particular application of physical force by Officer Cepeida

⁴⁰ Officer Cepeida, 2nd Interview, Page 3, Lines 14-25 and Page 4, Lines 1-9

⁴¹ Officer Cepeida, 2nd Interview, Page 4, Lines 20-24

⁴² Officer Cepeida, 2nd Interview, Page 5, Lines 2

was not reasonable in its application, nor was it in compliance with the Department's use of force policy.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Cepeida, while faced with similar circumstances, would not believe that this specific application of non-lethal physical force was objectively reasonable.

Therefore, I find this specific application of Officer Cepeida's non-lethal force (physical force) to be Out of Policy, Administrative Disapproval.

Officer Cabral – (2) Firm Grip, (1) Physical Force, and (1) Bodyweight

According to Officer Cabral, he observed Officer Cepeida struggling with Corona. Officer Cabral holstered his service pistol and applied a two-handed grip on Corona's left arm. Officer Cabral stated to Officer Cepeida, "Let's take him down to ground," and Corona was lifted from a crouched position. Officer Cabral stated Corona was trying to "push south, away" from both Officers Cabral and Cepeida. Once Corona was placed against the plywood fence, Corona hunched down, tensed up, and resisted Officers Cabral and Cepeida's attempts to handcuff him. Officer Cabral was still holding Corona's left arm and assisted Officer Cepeida in guiding Corona to the ground by utilizing Corona's body weight and physical force to "push" and "guide" Corona between a parking stall block and the fence. Officer Cabral maintained Corona in this position as Officer Cepeida handcuffed Corona.

Officer Cabral recalled,

And also I wanted to have -- I holstered, and I wanted to have both hands free so that I can assist Officer Cepeida because he has -- only has one hand available to try to, you know, control the suspect. So at that point I decided to -- to walk towards Officer Cepeida and the suspect. I grabbed the suspect's left hand, left arm, wrist area. I noticed that he's trying to, I guess, push south away from both of us. So he's trying to find the one opening that he has, and he's -- he's resisting by like tightening up his arms and kind of crouching down. So at that point I -- I tell Cepeida to take him down to the ground so that we can use the floor as a controlling agent.⁴³

I grabbed the two-hand grip on his left hand to control it, but the suspect was kind of in a hunch -- hunched down, kind of crouched down, almost like a squaring up. You know, his gravity was low. So we -- I saw him -- feel him tensing up and resisting us from handcuffing him. And I knew Abel was giving him commands to let us handcuff him, and he was not going with the commands. And that's when I told Officer Cepeida, "Let's take him down to the ground," meaning just guide him down to the ground so we can use the floor as a controlling agent and handcuff him from the rear.⁴⁴

⁴³ Officer Cabral, Page 13, Lines 21 – 25 and Page 14, Lines 1 - 6

⁴⁴ Officer Cabral, Page 31, Lines 8 - 19

And we didn't -- we were concerned of him -- the suspect striking his head on the ground because there's a parking stall with a -- with a bump on the front of it, a hard block. So we were trying to guide him to the ground between that and the fence so that he doesn't hit his head. Finally he complies and he -- he goes down to the ground, at which point I'm still holding onto the left arm. I tell Cepeida, "Handcuff him," because he has his right hand.⁴⁵

Pushing him down and keeping my knees off of his back.⁴⁶

And then with his body weight and -- and holding onto his arms, we guided him to the ground and at which point we were able to handcuff him.⁴⁷

In this case, the UOFRB conducted a thorough review of the incident to evaluate the reasonableness of Officer Cabral's use of non-lethal force. Officer Cabral observed the struggle between Officer Cepeida and Corona after observing Corona throw a handgun into the air. Officer Cabral noted Officer Cepeida was attempting to detain Corona on his own, while holding onto his service pistol, and was having difficulty controlling Corona. Officer Cepeida directed Corona to the ground; however, Corona was not complying with commands. Upon grasping Corona's left arm, Officer Cabral felt Corona's continued physical resistance to comply and go to the ground. After Corona was placed against the plywood wall, Officer Cabral assisted Officer Cepeida in moving Corona onto the ground for Officer Cepeida to complete handcuffing. The UOFRB noted Officer Cabral's assessment of the concrete parking stall block and fence and his focus on guiding Corona to mitigate potential injury to Corona as they struggled to place Corona onto the ground. The UOFRB opined that Officer Cabral utilized a reasonable and minimal amount of force on Corona in order to detain and handcuff Corona.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Cabral, while faced with similar circumstances, would believe that these same applications of non-lethal force would be objectively reasonable to overcome Corona's resistance.

Therefore, I find Officer Cabral's use of non-lethal use of force to be In Policy, No Further Action.

Use of Force – Deadly⁴⁸

It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*

⁴⁵ Officer Cabral, Page 15, Lines 15-24

⁴⁶ Officer Cabral, Page 34, Lines 15-16

⁴⁷ Officer Cabral, Page 33, Lines 19-22

⁴⁸ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force⁴⁹

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Background – Officer Cepeida pursued Corona north onto Fickett Street from East Cesar Chavez Avenue and then east into an enclosed parking lot located at 2501 East Cesar Chavez Avenue. The parking lot consisted of two buildings on the south side of the lot, with the furthest east building connecting to an approximately six-foot tall, chain-link fence that enclosed the eastern perimeter and ran north to south. The eastern chain-link fence connected to a section of plywood fence that stood approximately eight feet tall in the northeast section corner of the parking lot and ran east to west. The plywood fence connected to an approximately six-foot tall chain-link fence that enclosed the northern section of the parking lot to the eastern sidewalk of Fickett Street. The bordering property around the parking lot consisted of a mixture of multi-unit apartment complexes, single-family residences, small businesses, and restaurants. Reviewed by FID investigators, at the time of the incident, security camera and body worn video did not depict any bystanders adjacent to the location of the arrest.

Officer Cepeida – Head Strike

According to Officer Cepeida, he was “four to five feet” from Corona when Corona reached into his waistband, grabbed a handgun, and tossed the handgun over a fence. Officer Cepeida was holding his service pistol in his right hand and pointing his service pistol at Corona’s face, while

⁴⁹ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

Officer Cepeida held his baton in his left hand. Officer Cepeida directed Corona to get on the ground; however, Corona placed his "right hand" back into his pocket and took "two steps towards" Officer Cepeida. Officer Cepeida stated he felt "vulnerable" and "threatened" and Officer Cepeida was not sure if Corona was "trying to arm" himself with an additional handgun or other "type of weapon." Corona's actions caused Officer Cepeida to drop his baton out of his left hand and "as a reaction," Officer Cepeida struck Corona with a "jab" to Corona's face utilizing the barrel of Officer Cepeida's service pistol. Officer Cepeida stated he did this to cause Corona to move back and stop Corona from closing the distance on Officer Cepeida or prevent Corona from "trying to take" Officer Cepeida's service pistol.

Officer Cepeida recalled,

So he continued to the corner of this parking lot and tossed the pistol over the fence, at which point I remember telling him to get on the ground. But from my recollection, I remember him putting his hand back into his waistband and then taking a few steps towards me as I had my pistol deployed on him. And that's when I -- I hit him with the -- the barrel of my gun just to keep him back, to back him away from me, because I felt he was closing the distance between me and him as far as where I was at. I wasn't sure if he was going to try to take my pistol or if he was going to try to charge at me at which point, but when I did hit him in the face with my pistol, it pushed him back, and he somewhat complied as far as not closing the distance between me and him or charging at me.⁵⁰

There was no thoughts because I was just totally exposed at that point. It was just basically to be able to get control of the suspect and get him proned on the ground. But I was in an open parking lot, so there was no -- to me, it wasn't feasible to run back or retreat at which point to taking some cover. I was just right there, you know, within four or five feet of him.⁵¹

I'm holding my pistol with my right hand, pointing at the suspect's face, but it was just with one hand because at that time I still had my PR-24 in my left hand. When I told him, I guess, to get on the ground, he actually took two steps towards me, kind of challenging me with his body language. And it made me drop my PR-24 with my left hand, and with my right hand, as a reaction, I hit him with the barrel of my pistol to get him to back up as far as him trying to -- stop him from closing distance on me or even trying to take my pistol.⁵²

One of the things that -- that he did do before I hit him with -- with my pistol was he took a couple steps towards me and then put his right hand back in his pocket. I wasn't sure if he had another pistol either or if he had any other weapons or anything to even -- to try to, you know, get away or try to hurt me and my partner, so it was just the reaction to try to get him back in his place and try to get hands on to take him into custody effectively.⁵³

⁵⁰ Officer Cepeida, 1st interview, Page 14, Lines 22-25 and Page 15, Lines 1-12

⁵¹ Officer Cepeida, 1st interview, Page 30, Lines 2-10

⁵² Officer Cepeida, 1st interview, Page 33, Lines 13-24

⁵³ Officer Cepeida, 1st Interview, Page 34, Lines 6-15

Yeah. It's like a -- I basically did a punching motion towards his face, but I had my pistol in my hand so that's -- basically I made the contact.⁵⁴

He put his hand back in, and I then right after he just took those steps forward toward me.⁵⁵

It was almost as if he was challenging me that -- you know, I caught him, but he was still challenging me to a fight of some sort.⁵⁶

That it still can be a situation that is -- can escalate to deadly force, especially if he's trying to arm himself. I'm not sure if he has another gun. And if his actions are showing that he's going back into his pockets, I don't know if he's trying to re -- you know, get another gun or another type of weapon. So it still can be a deadly force situation. That's why I still had my gun out. And it was just a reaction as far as the proximity from where I was at to him to where I reacted to like a jab to his face just to get him back off of me.⁵⁷

Either comply or fight. And the way he turned after tossing it and took a step forward, it seemed like he was -- still had some fight in him to where he was going to try to escape.⁵⁸

It -- it's a threat, you know. He -- I felt that he was still challe- -- he challenged me by taking -- taking a few steps towards me and then by putting his hand in his pocket. You know, I don't know if he's trying to get another firearm or trying to arm himself again, so -- I was threatened.⁵⁹

Well, if he has another pistol, he can re- -- you know, arm himself again and -- -- try to shoot me. Or if he just wants to come and -- and fight me as far as punching me or charging at me or taking me down. It's a vulnerable state that I was in because all I had was my pistol just in his face. And if he's not going to comply, then it's very limited options at that point for me.⁶⁰

The UOFRB conducted a thorough review and analysis of the reasonableness and the necessity of Officer Cepeida's use of deadly force, as well as the tactics utilized by Officer Cepeida, which led up to his use of deadly force. In this case, Officer Cepeida discussed responsibilities and roles with Officers Cabral and Silva prior to leaving Hollenbeck CPS and beginning their shift. This discussion should have clearly defined their roles and as the officers indicated, either Officer Silva or Officer Cabral would have been the contact officer, while Officer Cepeida would have been responsible for communications. The UOFRB acknowledged that the officers were proactive while patrolling an area known for gang and narcotics activity and violent crime, resulting in their observation of a narcotics transaction. Corona fled from Officers Cepeida,

⁵⁴ Officer Cepeida, 1st Interview, Page 36, Lines 24-25 and Page 37, Lines 1-2

⁵⁵ Officer Cepeida, 1st Interview, Page 37, Lines 1-3

⁵⁶ Officer Cepeida, 1st Interview, Page 37, Lines 5-7

⁵⁷ Officer Cepeida, 1st Interview, Page 38, Lines 2-14

⁵⁸ Officer Cepeida, 1st Interview, Page 55, Lines 3-6

⁵⁹ Officer Cepeida, 1st Interview, Page 55, Lines 13-19

⁶⁰ Officer Cepeida, 1st interview, Page 56, Lines 1-13

Cabral, and Silva in response to the officers' attempt to detain Corona. However, Officer Cepeida, without communicating to his partners or to CD, chose to exit the police vehicle and engaged Corona in a foot pursuit. Officers Cabral and Silva were required to react to Officer Cepeida's actions without having any knowledge of Officer Cepeida's intended plan or communication to detain Corona.

The UOFRB noted that as Officer Cepeida continued to engage Corona in a foot pursuit, Officer Cepeida stated he was in containment mode and believed Corona was arming himself; however, Officer Cepeida continued to pursue Corona, closing the distance, and making no attempt to communicate his observations with Officers Cabral and Silva, or to set up a perimeter to contain Corona. Corona ran into an enclosed parking lot where Officer Cepeida observed Corona move his right hand to his waistband area. Believing Corona was armed with a weapon, Officer Cepeida drew his service pistol, yet continued his advance towards Corona while holding his baton in his left hand and his service pistol in his right hand. The UOFRB took note that Corona escalated an already stressful and dangerous encounter by reaching into his waistband, removing a handgun, tossing the handgun into the air, and then turning to face Officer Cepeida; however, the UOFRB was simultaneously critical of Officer Cepeida's actions and justification.

According to Officer Cepeida's statements, he believed Corona was possibly arming himself with an additional weapon after observing Corona throw a handgun over the fence; however, Officer Cepeida switched from containment mode into apprehension mode. Officer Cepeida's actions caused the UOFRB concern as Officer Cepeida believed Corona may still be armed and Officer Cepeida described himself to being within three to five feet of Corona. The UOFRB would have preferred that Officer Cepeida instead redeploy, create distance, utilize Officers Cabral and Silva as resources, and employ the police vehicle as cover, thus creating a tactical advantage. Officer Cepeida dropped his baton to the ground and initiated physical contact with Corona, while Officer Cepeida had his service pistol deployed. The UOFRB noted that this action placed Officer Cepeida and his partners in a tactically disadvantageous situation. Had Corona desired, he could have attempted to take Officer Cepeida's service pistol from him. Corona returned his right hand into his pocket after tossing a handgun to which Cepeida expressed feelings of being threatened and challenged as Corona approached him. Officer Cepeida utilized his service pistol in that moment as an impact device, striking Corona in the face in order to create distance but remained close and physically engaged with Corona. The UOFRB discussed Officer Cepeida's contradiction in believing Corona was still armed and yet, Officer Cepeida remained in close proximity to and physically engaged with Corona, rather than redeploying and coordinating with Officers Cabral and Silva to conduct a high-risk stop on Corona and request additional resources.

The UOFRB inquired with ARCON personnel as to the Department's training to utilize the service pistol as an impact device. The ARCON SMEs advised the UOFRB that while the Department does currently teach a service pistol retention technique in response to a suspect attempting to disarm an officer, the circumstances of this incident did not meet the criteria to utilize a weapon retention technique. In the weapon retention technique involving a muzzle strike, Department personnel are taught that if they have their service pistol in a low-ready

position and a suspect attempts to grab the officer's service pistol creating an imminent threat of death or serious bodily injury to the officer, the officer could use a maneuver to break the suspect's grip and strike the suspect in the face with the pistol's muzzle, then re-deploy to create distance.

The UOFRB discussed their observations of Corona's actions and noted that Corona did not attempt to gain control of or attempt to reach for Officer Cepeida's service pistol. The UOFRB noted that the tactics utilized by Officer Cepeida increased the access Corona had to Officer Cepeida's service pistol. The UOFRB also noted that Officer Cepeida himself stated he had not been taught or trained to utilize his service pistol's muzzle to strike an individual.

In the UOFRB's overall assessment of this encounter, a series of tactical deficiencies placed Officer Cepeida at a tactical disadvantage and culminated in Officer Cepeida utilizing his service pistol to strike Corona in the face. Additionally, Officer Cepeida's use of deadly force was based upon the possibility of a potential deadly threat, not an actual perceived deadly threat posed by Corona.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Cepeida, would not reasonably believe Corona's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would not be objectively reasonable.

Therefore, I find Officer Cepeida's use of lethal force to be Out of Policy, Administrative Disapproval.

Additional/Equipment

Body Worn Video (BWV) – The FID investigation identified potential late BWV activations by Officers Cepeida, Silva, and Cabral when the officers attempted to detain Corona, resulting in a foot pursuit.

Captain R. Stabile, Serial No. 26260, Commanding Officer, Hollenbeck Area reviewed the identified late activations. In his review, he determined that Officers Cepeida, Silva, and Cabral were engaged in a high-risk tactical incident and activated their respective BWV devices as soon as it was safe and practical to do so, which was compliant with BWV policy. In order to enhance future performance, Officers Cepeida, Silva, and Cabral were provided divisional training and Supervisory Action Items (SAI) were generated for each officer to document that training. The Commanding Officer of Operations – Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWV assigned to Officers Cepeida and Silva, from November 13, 2020 through January 12, 2021, and for Officer Cabral, from December 13, 2020 through January 12, 2021, for compliance with timely BWV activations.

The results of the inspections indicated that Officers Cepeida, Cabral, and Silva had no deviations and were in compliance. As such, I deem no further action is necessary.

The FID investigation revealed Sergeant Olea's BWV did not have a full two-minute buffer as he responded from Hollenbeck CPS. An analysis by OCB determined that Sergeant Olea had no prior BWV non-compliance incidents. A random inspection was conducted by OCB of BWV assigned to Sergeant Olea, from September 25, 2020 through November 24, 2020, for compliance with having a full two-minute buffer. The results of the inspections indicated Sergeant Olea had no deviations and was in compliance. In response to the lack of a full two-minute buffer for Sergeant Olea's BWV, the Director of OO directed the issuance of a Notice to Correct Deficiencies. As such, I deem no further action is necessary.

Profanity – The FID investigation revealed Officer Cepeida utilized profanity on ten separate occurrences directed towards Corona during the foot pursuit, the use of lethal and non-lethal force, and after Corona was handcuffed and detained. A Department-generated personnel complaint to address Officer Cepeida's use of profanity and unauthorized force has been generated on behalf of Corona.

Categorical Use of Force Protocols – The FID investigation revealed that after being informed by Officer Cepeida of the head strike incident, Sergeant Olea did not inquire further to determine if the head strike was intentional or unintentional. Sergeant Olea began conducting a NCUOF investigation where he directed personnel to canvass for video and took photographs until the investigation was deemed a CUOF incident. This issue was brought to the attention of Captain Stabile who advised that this issue was addressed through counseling. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Hollenbeck GED police vehicles were equipped with DICVS at the time of the incident. Officers Cepeida, Silva, and Cabral's DICVS captured the termination of the foot pursuit, lethal use of force, non-lethal use of force, and the arrest of Corona.

Body Worn Video (BWV) – Hollenbeck GED officers were equipped with BWV at the time of the incident. Officer Cepeida's BWV captured the foot pursuit, lethal use of force, non-lethal use of force, Corona's subsequent arrest, and the recovery of Corona's handgun. Officer Cabral's BWV captured portions of the non-lethal use of force with Corona, Corona's subsequent arrest, and the recovery of Corona's handgun. Officer Silva's BWV captured the non-lethal use of force and Corona's arrest.

Outside Video – FID investigators, along with Hollenbeck personnel, located a video surveillance system at the laundromat located at 2501 Cesar Chavez Avenue. A surveillance camera was positioned above the front door of the laundromat and faced west on Cesar Chavez Avenue. This camera captured Corona and two unidentified males on the northwest corner of

The Honorable Board of Police Commissioners

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3.2

Cesar Chavez Avenue and Fickett Street, as well as a portion the foot pursuit. An additional camera was positioned above the rear door of the laundromat and faced north towards the rear parking lot of the laundromat. This camera captured the termination of the foot pursuit, the lethal use of force, non-lethal use of force, and arrest of Corona.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: 1-15-21

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC No. 009-20	CF No. 20-000830	DR No. 20-0400681
Headstrike		

REVIEW BOARD INFORMATION

Location of Incident Cesar Chavez Avenue and Fickett Avenue	RD 466	Date of Incident March 20, 2020	Date and Time of Board Review December 14, 2020 1430 Hours
Chair Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members:		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211	32569 FOR		
Member (Police Sciences and Training Bureau) Commander D. Randolph, Serial No. 27634	32569 FOR		
Member (Bureau) Captain V. Palazzolo, Serial No. 27433	32569 FOR		
Member (Peer) Officer M. Skajem, Serial No. 27348	32569 FOR		
Presenting Commanding Officer Captain R. Stabile, Serial No. 26260	SIGNATURE NOT REQUIRED		
Notes: VIRTUAL UOFRB DUE TO COVID RESTRICTIONS Certified by: 32569 WITNESSED By: 41042 OFFICER DAVID SCHMITT			
Additional Considerations:			
Modification to Present Policy, Practices or Training:			
<div style="text-align: right;"> RECEIVED POLICE COMMISSION 2021 JAN 15 PM 12:31 </div> <div style="text-align: right;"> COP Date Signed: 1/15/21 PC Date Submitted: 1/15/21 </div>			

Employee (Last Name, First, Middle) Cepeida, Abel		Serial No. 38386	Rank/Class Police Officer II	Incident No. 009-20
Length of Employment 13 years, 3 months	Current Division Hollenbeck	Time in Current Division 1 year, 6 months		

Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <i>ALL NON-LETHAL</i> <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) <i>PHYSICAL FORCE ONLY</i>	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <i>ALL NON-LETHAL</i> <input checked="" type="checkbox"/> Out of Policy (Administrative Disapproval) <i>EXCEPT FOR PHYSICAL FORCE</i>	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- ☐ Extensive Retraining
☐ Notice to Correct Deficiencies
☐ Personnel Complaint
☐ Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Silva, Diana		Serial No. 41593	Rank/Class Police Officer II	Incident No. 009-20
Length of Employment 5 years, 11 months		Current Division Hollenbeck	Time in Current Division 3 years, 6 months	
Use of Force Review Board		Chief of Police	Police Commission	
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- ☐ Extensive Retraining
☐ Notice to Correct Deficiencies
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Cabral, German		Serial No. 41795	Rank/Class Police Officer II	Incident No. 009-20
Length of Employment 5 years, 5 months	Current Division Hollenbeck	Time in Current Division 1 year, 2 months		

Use of Force Review Board

Tactics

- ☐ Does Not Apply
- ☐ Tactical Debrief
- ☒ Administrative Disapproval

Drawing and Exhibiting the Firearm

- ☐ Does Not Apply
- ☒ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Lethal Use of Force

- ☒ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- ☒ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- ☐ Does Not Apply
- ☒ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Unintentional Discharge

- ☒ Does Not Apply
- ☐ Accidental
- ☐ Negligent (Administrative Disapproval)

Other Issues

- ☒ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Chief of Police

Tactics

- ☐ Does Not Apply
- ☐ Tactical Debrief
- ☒ Administrative Disapproval

Drawing and Exhibiting the Firearm

- ☐ Does Not Apply
- ☒ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Lethal Use of Force

- ☒ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- ☒ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- ☐ Does Not Apply
- ☒ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Unintentional Discharge

- ☒ Does Not Apply
- ☐ Accidental
- ☐ Negligent (Administrative Disapproval)

Other Issues

- ☒ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Police Commission

Tactics

- ☐ Does Not Apply
- ☐ Tactical Debrief
- ☐ Administrative Disapproval

Drawing and Exhibiting the Firearm

- ☐ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Lethal Use of Force

- ☐ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- ☐ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- ☐ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Unintentional Discharge

- ☐ Does Not Apply
- ☐ Accidental
- ☐ Negligent (Administrative Disapproval)

Other Issues

- ☐ Does Not Apply
- ☐ In Policy (No Further Action)
- ☐ Out of Policy (Administrative Disapproval)

Notes:

Final Adjudication for Out of Policy/ Administrative Disapproval Finding

- ☐ Extensive Retraining
- ☐ Notice to Correct Deficiencies
- ☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.